

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil. No.:

SPRINGFIELD ARMORY, GENESEO, IL Saint Rifle CAL: Multi SN: ST123995

440 Rounds ASSORTED Ammunition CAL: Multi

RUGER NEW VAQUERO Revolver CAL: .357 SN: 513-04970

RUGER NEW VAQUERO Revolver CAL: .357 SN: 513-09183

Ruger EC9S Pistol CAL: 9mm SN: 461-49399

338 Rounds Assorted Ammunition CAL: 9mm

MOSSBERG MVP Rifle CAL: 7.62 SN: MVP0026400

180 Rounds Assorted Ammunition CAL: 6.5mm

138 Rounds Assorted Ammunition CAL: .357

350 Rounds Assorted Ammunition CAL: .40

HENRY REPEATING RIFLE COMPANY Unknown Rifle CAL: .357 SN: BB0071317M

75 Rounds Assorted Ammunition CAL: .300

Citadel M1911A1FS Pistol CAL: .38 Super SN: CIT009043

Glock Inc. 17 Pistol CAL: 9mm SN: AMM393 US

ROCK ISLAND ARMORY INC. (GENESEO, IL), 1911A1 Pistol CAL: .45 SN: RIA1783703

ROCK ISLAND ARMORY INC. (GENESEO, IL) 1911A1 Pistol CAL: .45 SN: RIA1780646

SMITH & WESSON SD40 Pistol CAL: .40 SN: HEX0873

SMITH & WESSON M&P 40 Pistol CAL: .40 SN: HTJ3305

HIPOINT (STRASSELL'S MACHINE INC.) JCP Pistol CAL: .40 SN: X7175685

GLOCK INC 17 Pistol CAL: 9mm SN: BFYY073

REMINGTON ARMS COMPANY, INC. 700 Rifle CAL: .308 SN: RR45947J

MARLIN FIREARMS CO 444SS Rifle CAL: .444 SN: 02032098

MOSSBERG Patriot Rifle CAL: 6.5mm SN: MRP0417609

WHITNEYVILLE ARMORY/WHITNEY ARMS CO Unknown Rifle CAL: .44 SN: 1318

STOEGER ARMS Coach Gun Shotgun CAL: 12 Gauge SN: 635191-10

NORINCO (NORTH CHINA INDUSTRIES) SKS Rifle CAL: 7.62 SN: 25 000783

SAVAGE 111 Rifle CAL: 6.5mm SN: H123420

WINCHESTER 94 Rifle CAL: .30-30 SN: 6487448

REMINGTON ARMS COMPANY, INC 870 MARINE MAGNUM Shotgun CAL: 12 Gauge SN: RS69205R

WINCHESTER 1892 Rifle CAL: .25-20 SN: 928309

HARRINGTON AND RICHARDSON 058 SHOTGUN CAL: 20 GAUGE SN: AN242001

13 ROUNDS ASSORTED AMMUNITION CAL: .38

160 ROUNDS ASSORTED AMMUNITION CAL: .30-30

100 ROUNDS ASSORTED AMMUNITION CAL: .45

13 ROUNDS ASSORTED AMMUNITION CAL: .38

10 ROUNDS ASSORTED AMMUNITION CAL: 7.62MM

75 ROUNDS ASSORTED AMMUNITION

60 ROUNDS ASSORTED AMMUNITION CAL: .30-06

275 ROUNDS ASSORTED AMMUNITION CAL: .44

490 ROUNDS ASSORTED AMMUNITION CAL: .308

25 ROUNDS ASSORTED AMMUNITION CAL: 20

70 ROUNDS ASSORTED AMMUNITION CAL: 12 GAUGE

SPRINGFIELD ARMORY, GENESEO, IL 1911A1 PISTOL CAL: .45 SN: WW93498

ROCK ISLAND ARMORY INC. (GENESEO, IL) 1911A1 PISTOL CAL: .45 SN: RIA1937320

67 ROUNDS ASSORTED AMMUNITION CAL: .45

Defendants-in-rem.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff, United States, brings this complaint in accordance with Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

NATURE OF THE ACTION

1) This is a civil action to forfeit and condemn to the use and benefit of the United States of America property involved in violations of the 18 U.S.C. § 922(g)(1) that is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1).

DEFENDANTS IN REM

2) The defendant *in rem* consists of the following:

- a) SPRINGFIELD ARMORY, GENESEO, IL Saint Rifle CAL: Multi SN: ST123995
- b) 440 Rounds ASSORTED Ammunition CAL: Multi
- c) RUGER NEW VAQUERO Revolver CAL: .357 SN: 513-04970
- d) RUGER NEW VAQUERO Revolver CAL: .357 SN: 513-09183
- e) Ruger EC9S Pistol CAL: 9mm SN: 461-49399
- f) 338 Rounds Assorted Ammunition CAL: 9mm
- g) MOSSBERG MVP Rifle CAL: 7.62mm SN: MVP0026400
- h) 180 Rounds Assorted Ammunition CAL: 6.5mm
- i) 138 Rounds Assorted Ammunition CAL: .357

- j) 350 Rounds Assorted Ammunition CAL: .40
- k) HENRY REPEATING RIFLE COMPANY Unknown Rifle CAL: .357
SN: BB0071317M
- l) 75 Rounds Assorted Ammunition CAL: .300
- m) Citadel M1911A1FS Pistol CAL: .38 Super SN: CIT009043
- n) Glock Inc. 17 Pistol CAL: 9mm SN: AMM393 US
- o) ROCK ISLAND ARMORY INC. (GENESEO, IL), 1911A1 Pistol CAL: .45 SN: RIA1783703
- p) ROCK ISLAND ARMORY INC. (GENESEO, IL) 1911A1 Pistol CAL: .45 SN: RIA1780646
- q) SMITH & WESSON SD40 Pistol CAL: .40 SN: HEX0873
- r) SMITH & WESSON M&P 40 Pistol CAL: .40 SN: HTJ3305
- s) HIPOINT (STRASSELL'S MACHINE INC.) JCP Pistol CAL: .40 SN: X7175685
- t) GLOCK INC 17 Pistol CAL: 9mm SN: BFYY073
- u) REMINGTON ARMS COMPANY, INC. 700 Rifle CAL: .308 SN: RR45947J
- v) MARLIN FIREARMS CO 444SS Rifle CAL: .444 SN: 02032098
- w) MOSSBERG Patriot Rifle CAL: 6.5mm SN: MRP0417609
- x) WHITNEYVILLE ARMORY/WHITNEY ARMS CO Unknown Rifle CAL: .44 SN: 1318
- y) STOEGER ARMS Coach Gun Shotgun CAL: 12 Gauge SN: 635191-10
- z) NORINCO (NORTH CHINA INDUSTRIES) SKS Rifle CAL: 7.62mm SN: 25 000783
- aa) SAVAGE 111 Rifle CAL: 6.5mm SN: H123420
- bb) WINCHESTER 94 Rifle CAL: .30-30 SN: 6487448
- cc) REMINGTON ARMS COMPANY, INC 870 MARINE MAGNUM Shotgun CAL: 12 Gauge SN: RS69205R
- dd) WINCHESTER 1892 Rifle CAL: .25-20 SN: 928309
- ee) HARRINGTON AND RICHARDSON 058 SHOTGUN CAL: 20 GAUGE SN: AN242001
- ff) 13 ROUNDS ASSORTED AMMUNITION CAL: .38
- gg) 160 ROUNDS ASSORTED AMMUNITION CAL: .30-30
- hh) 100 ROUNDS ASSORTED AMMUNITION CAL: .45
- ii) 13 ROUNDS ASSORTED AMMUNITION CAL: .38
- jj) 10 ROUNDS ASSORTED AMMUNITION CAL: 7.62MM
- kk) 75 ROUNDS ASSORTED AMMUNITION
- ll) 60 ROUNDS ASSORTED AMMUNITION CAL: .30-06
- mm) 275 ROUNDS ASSORTED AMMUNITION CAL: .44
- nn) 490 ROUNDS ASSORTED AMMUNITION CAL: .308
- oo) 25 ROUNDS ASSORTED AMMUNITION CAL: 20
- pp) 70 ROUNDS ASSORTED AMMUNITION CAL: 12 GAUGE
- qq) SPRINGFIELD ARMORY, GENESEO, IL 1911A1 PISTOL CAL: .45 SN: WW93498
- rr) ROCK ISLAND ARMORY INC. (GENESEO, IL) 1911A1 PISTOL CAL: .45 SN: RIA1937320

ss) 67 ROUNDS ASSORTED AMMUNITION CAL: .45

(Hereafter referred to as “Defendant Firearms and Ammunition”),

- 3) The Defendant Firearms and Ammunition were seized by The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on August 24, 2023, in the District of New Mexico.
- 4) The Defendant Firearms and Ammunition are now, and during the pendency of this action will be, in the jurisdiction of this Court.

JURISDICTION AND VENUE

- 5) The United States District Court for the District of New Mexico has subject matter jurisdiction under 28 U.S.C. §§ 1345, 1355(a) and 1356.
- 6) Venue for this civil forfeiture action is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, as acts or omissions giving rise to the forfeiture took place in this district and the property is found in this district. Upon the filing of this complaint, the Defendant Firearms and Ammunition will be arrested by execution of a Warrant for Arrest *In Rem* in the District of New Mexico.

FACTS

- 7) At all times material hereto, Jerry Pearson (PEARSON) resided at 2401 Catalina Court in Farmington, New Mexico. On August 24, 2023, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agents (SAs) and Task Force Officers (TFOs) executed a federal search warrant on the residence. ATF SAs, TFOs, and local law enforcements surveilled the house before the warrant was executed, and watched PEARSON leave in a gray Dodge pickup. Officers stopped PEARSON’s truck and detained him. PEARSON was alone in the truck. ATF TFO Victor Hernandez approached PEARSON, told him he was detained pending the execution of the search warrant, and – after noticing PEARSON’s truck was still running – asked

PEARSON whether he had any guns in the truck. PEARSON admitted to having a “1911” pistol in the vehicle with him. TFO Hernandez then advised PEARSON of his Miranda rights and asked him if he understood and acknowledged those rights. PEARSON agreed to speak without an attorney present and admitted to having previously been convicted of a felony. PEARSON also told TFO Hernandez where his firearm was located.

8) TFO Hernandez then searched PEARSON’s truck and backpack and found two firearms and seven loaded magazines, as well as two plate carrier vests, which PEARSON stated he used for protection.

9) Meanwhile, other ATF SAs and affiliated officers were searching PEARSON’s residence. Inside, they found approximately 31 firearms, including a short-barrel rifle, 4 suspected silencers, component parts consistent with manufacturing silencers, numerous firearm magazines, more than 2,800 rounds of assorted caliber ammunition, and one apparent machine gun conversion device (a switch).

10) PEARSON was interviewed and confirmed he had been advised of his rights and understood them. He admitted to living in the residence at 2401 Catalina Court and admitted that he owned approximately “20” firearms at the residence. PEARSON called the suppressors “flash guards,” admitted to firing the gun with them, and denied they were suppressors, and instead said they probably made the gun louder. PEARSON also admitted to buying a pistol with a Glock “Switch” on it from an unknown person, admitted that he’s shot the gun with the switch on, and denied that the Switch made the gun go automatic. He then denied knowing what the switch was. When asked where the switch was, PEARSON stated it was in his nightstand near his bed. PEARSON also admitted to being a felon and knowing he was convicted in the state of Arizona. He admitted that he hadn’t followed through on restoring his rights when he left Arizona.

PEARSON has two prior felony convictions: a 1997 felony Arizona conviction for possession of a dangerous drug for sale, and a 2002 felony Arizona conviction for misconduct involving weapons/possession by a prohibited person.

11) The Defendant Firearms and Ammunition were not manufactured in the State of New Mexico.

CLAIM FOR RELIEF

12) The United States incorporates by reference the allegations in paragraphs 1 through 11 as though fully set forth.

13) 18 U.S.C. § 924(d)(1) subjects to forfeiture any firearm or ammunition involved in or used in any knowing violation of section 922(g).

14) Defendant Firearms and Ammunition are subject to arrest and forfeiture to plaintiff under 18 U.S.C. § 924(d)(1) because the property was involved in or used in knowing violation of 18 U.S.C. § 922(g).

WHEREFORE, Plaintiff seeks arrest of Defendant Firearms and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Firearms, costs, and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

ALEXANDER M. M. UBALLEZ
United States Attorney

Electronically filed on January 31, 2024

STEPHEN R. KOTZ
Assistant U.S. Attorney
P.O. Box 607
Albuquerque, NM 87103
(505) 346-7274

28 U.S.C. § 1746 DECLARATION

I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

Dated: January 30, 2024


Jacob Courtney, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and
Explosives (ATF)